



83096ARRS
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stephen G. Malloy Desormeaux

CAMERA HAVING SELECTIVE
IMAGE EXCLUSION FROM FIRST IN-
FIRST OUT ELECTRONIC IMAGE
OVERWRITING AND METHOD

Serial No. 10/022,491

Filed 18 December 2001

Group Art Unit: 2615

Examiner: Lin Ye

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P.O. Box 1450, Alexandria, VA 22313-1450.

Janette Kramarz
Janette Kramarz
January 11, 2005
Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

REQUEST FOR RECONSIDERATION

In response to the Office Action mailed October 5, 2004,
reconsideration of the above-identified application is respectfully requested.

Claims 1-20 are pending in the application. All pending claims
stand rejected. Applicant respectfully requests reconsideration in view of the
foregoing amendments and the remarks.

Digital cameras typically retain images in memory until removed.
If the memory becomes full, no additional images may be stored or, alternatively,
some stored images must be overwritten in order to store additional images.
Generally, overwriting is done on a first-in/first-out basis. The present invention
allows an operator to exclude certain stored images from being overwritten. It is
a feature of the present invention to allow an operator to identify those images (by
“tagging”) that he or she does not want to be overwritten.

Rejection of Claims under 35 U.S.C. 103:

Claims 1, 4-7, 13-16, 18 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fellegara et al. (U.S. 5,845,166) in view of Yamakawa et al. (U.S. 6,217,515) and Yamamoto et al. (U.S. 6,683,650). The rejection is respectfully traversed for the reasons set forth herein.

Fellegara et al. relates to so called hybrid cameras that are capable of capturing images on silver-halide and digital receivers. The camera includes a non-volatile memory 126 with an album storage section 125 for storage of album images and a film mode storage section 127 for storing film mode digital images. Film mode storage section 127 is sized large enough to store the number of film images that could be captured on one film cartridge, and is erased by the microcontroller 120 when the film is rewound into the cartridge for removal from the camera. Accordingly, there is no need to overwrite these images. Since there is no need to overwrite any images, there is no need to identify those images in film mode storage section 127 by tagging those images that the operator does not want to be overwritten.

The examiner has made reference to the fact that Fellegara et al. use the word “tag,” and has tried to relate Fellegara et al.’s use of the word to that of the present invention; wherein an operator may “tag” an image so that it is not overwritten. The reference uses the word entirely differently. In Fellegara et al., digital images are captured and stored in memory and photographic images are captured on film. Referring to the Fellegara et al. paragraph spanning columns 11 and 12, normally, the digital image captured during the “film capture” mode is used only to display what was recorded on the film and is not stored in memory. However, provision has been made to store a low resolution digital image of the image captured on the film if desired by the operator. In that case, the stored image is provided with identification data that indicates the film frame number of the corresponding film image so that the digital and the film images can be matched. Fellegara et al. call this “tagging” the image. That is, an ID file contains data identifying the images and includes a frame number tag of a corresponding photographic film image in the case of film mode images and hybrid mode images. Tags are not used by Fellegara et al. for any purpose other than for associating corresponding photographic film images and hybrid mode

digital images; and certainly not used to identify those images that the operator does not want to be overwritten.

According to the rejection, Yamakawa et al. disclose a process for insuring that tagged images in ultrasonic diagnostic apparatus can be excluded from being overwritten. The examiner then suggests that it would have therefore been obvious to exclude the tagged images of Fellegara et al. from being overwritten. However, none of the tagged images of Fellegara et al. are ever at risk of being overwritten. The tagging process is used exclusively to provide stored image with identification data that indicates the film frame number of the corresponding film image so that the digital and the film images can be matched. Since the images are not at risk of being overwritten, there is no need, and it would not be obvious, to exclude them from being overwritten.

Accordingly, the basic combination of Fellegara et al. and Yamakawa et al. fails on the basis that it is not obvious and that, even if made, would not teach the claimed invention of the present application.

Claims 2, 8-12 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fellegara et al. (U.S. 5,845,166) in view of Yamakawa et al. (U.S. 6,217,515), Yamamoto et al. (U.S. 6,683,650) and Kuno (U.S. 6,567,121). The rejection is traversed at least for the reasons set forth above with respect to Claims 1, 4-7, 13-16, 18 and 20.

Claims 3 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fellegara et al. (U.S. 5,845,166) in view of Yamakawa et al. (U.S. 6,217,515), Yamamoto et al. (U.S. 6,683,650) and Theimer (U.S. 6,526,486). The rejection is traversed at least for the reasons set forth above with respect to Claims 1, 4-7, 13-16, 18 and 20.

Double Patenting:

Claims 1-2, 5-6, 8, 13 and 16 of copending Application No. 10/022,491 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-7 and 10 of copending Application No. 09/946,051 in view of Fellegara et al. (U.S. 5,845,166).

The enclosed Terminal Disclaimer overcomes the rejection.

Summary

It is respectfully submitted, therefore, that in view of the above remarks, that this application is now in condition for allowance, prompt notice of which is earnestly solicited.

Respectfully submitted,



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